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**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF ALASKA AT ANCHORAGE**

ENOCH ADAMS, JR., LEROY ADAMS,  
ANDREW KOENIG, JERRY NORTON  
DAVID SWAN and JOSEPH SWAN,

Plaintiffs,

v.

TECK COMINCO ALASKA INCORPORATED  
Defendant.

NANA REGIONAL CORPORATION and  
NORTHWEST ARCTIC BOROUGH,

Intervenors-Defendants.

Case No. A04-49 (JWS)

[PROPOSED] ORDER GRANTING  
PLAINTIFFS' OBJECTION  
TO BOROUGH'S UNDISCLOSED  
WITNESS AND MOTION *IN*  
*LIMINE* TO EXCLUDE  
TESTIMONY OF WITNESS NOT  
TIMELY DISCLOSED  
(Fed. R. Civ. Proc. R. 26 and 37)

[PROPOSED] ORDER GRANTING PLAINTIFFS' OBJECTION  
TO NORTHWEST ARCTIC BOROUGH'S WITNESS AND  
MOTION *IN LIMINE* TO EXCLUDE WITNESS

1 Northwest Arctic Borough filed a Final Witness List on January 22, 2008. Plaintiffs  
2 object because the proffered witness, the Borough Mayor, Siikauraq Martha Whiting, was not  
3 previously disclosed in this litigation, in violation of Rule 26 of the Federal Rules of Civil  
4 Procedure and this Court's Pre-Trial Order of September 21, 2007 [Docket 177]. Pursuant to  
5 Federal Rules of Civil Procedure Rule 37 and this Court's Pre-Trial Order, and good cause  
6 appearing therefore, IT IS ORDERED that the Borough is precluded from calling any witness at  
7 trial not timely disclosed. The testimony of Mayor Whiting is thus barred.

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9 **IT IS SO ORDERED.**

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11 DATE:

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Judge of the District Court  
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CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of January 2008, a true and correct copy of the foregoing [Proposed] Order Granting Objection to Northwest Arctic Borough's Witness List and Motion to Exclude Testimony of Undisclosed Witness was served, via electronic mail, on the below identified parties of record:

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\_\_\_\_\_  
/s/ Luke Cole

Luke Cole